

Application No. 10/039,947  
SD-6858 Moore

## REMARKS

### Amendments to the Claims

- Claims 1-65 are **pending**.
- Claims 44-45 were **cancelled** as being drawn to a non-elected invention.
- Claims 1, 31, 38 and 55 were **cancelled**.
- Claims 24, 27, 28 and 33 were **rewritten** in **independent form**, including the all of the limitations of the base claim and any intervening claims.
- Claims 39-43, 46-49 and 56-65 were **allowed**.
- Claims 9, 12, 13, 21, 34, 35 and 54 were **amended** to depend from claim 39.
- The rejections of claims 23 and 32 will be argued.

## Allowable Claims

### Claims 39-43, 46-49 and 56-65

Applicants gratefully accept the allowance of claims 39-43, 46-49 and 56-65.

### Claims 24, 25, 27-29 and 33

Claims 24, 27, 28 and 33 were rewritten in independent form, including the all of the limitations of the base claim and any intervening claims, as suggested by the Office.

Claim 25 depends from claim 24. Claim 29 depends from claim 28. Accordingly, claims 24, 25, 27-29 and 33 are now in condition for allowance.

### Claims 9, 12, 13, 21, 34, 35 and 54

Claims 9, 12, 13, 21, 34, 35 and 54 were amended to depend from claim 39. Since claim 39 was allowed, it follows that dependent claims 9, 12, 13, 21, 34, 35 and 54 are now allowable.

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Claims 2-8, 10-11, 17-20 and 30

Claims 2-8, 10-11, 17-20 and 30 depend from claim 9. Since claim 9 is now in condition for allowance, it follows that dependent claims 2-8, 10-11, 17-20 and 30 are now allowable.

Claim 50

Claim 50 depends from claim 12. Since claim 12 is now in condition for allowance, it follows that dependent claim 50 is now allowable.

Claims 14-16 and 51

Claims 14-16 and 51 depend from claim 13. Since claim 13 is now in condition for allowance, it follows that dependent claims 14-16 and 51 are now allowable.

Claims 22 and 52

Claims 22 and 52 depend from claim 21. Since claim 21 is now in condition for allowance, it follows that dependent claims 22 and 52 are now allowable.

Claims 36-37

Claims 36-37 depend from claim 35. Since claim 35 is now in condition for allowance, it follows that dependent claims 36-37 are now allowable.

## 102(b) Rejections

Claim 23

Claim 23 was rejected under 35 USC 102(b) as being anticipated by Galbacs et al. (document "AG"); and by Galbacs et al. (document AJ), and by US Patent 5,112,592 to Schuster et al. Applicants respectfully **traverse**.

Claim 23 requires that the magnesium hydroxide is disposed on the **surface of a carrier particle**. None of the references cited by the Office teach or suggest using magnesium hydroxide disposed on the surface of a carrier particle.

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Since not all of the elements of claim 23 are present in the references cited by the office, a prima facie case of anticipation cannot be made. Accordingly, the rejection under 102(b) is improper and should be withdrawn. Claim 23 is now in condition for allowance.

#### Claims 26 and 53

Claims 26 and 53 depend from claim 23. As presented above, claim 23 is now in condition for allowance. Hence, it follows that claims 26 and 53 are also allowable.

#### Claims 24-25 and 27-29

Claims 24-25 and 27-29 were amended in this Response to be allowable by rewriting in independent form. However, if the Office decides that Claim 23 is ultimately allowable, then applicants will likely amend claims 24-25 and 27-29 to depend from claim 23, as they were originally presented.

#### Claim 32

Claim 32 was rejected under 35 USC 102(b) as being anticipated by Galbacs et al. (document "AG"); and by Galbacs et al. (document AJ), and by US Patent 5,112,592 to Schuster et al. Applicants respectfully traverse.

Claim 32, which refers to water containing carbonate, defines the limitations on the period of time that the  $Mg(OH)_2$  is permitted to adsorb arsenic. Specifically, two restrictions must be satisfied, which are:

- (a) The period of time must be sufficiently long to allow a sufficient amount of the arsenic to adsorb to  $Mg(OH)_2$ ; and
- (b) The period of time must be sufficiently short to prevent significant release of the arsenic from the  $Mg(OH)_2$  with adsorbed arsenic, due to conversion of  $Mg(OH)_2$  to  $MgCO_3$  by the carbonate in the water.

None of the references cited by the Office teach or suggest the second limitation (b); namely, that the period of time must be sufficiently short to prevent

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significant release of the arsenic from the  $\text{Mg}(\text{OH})_2$  with adsorbed arsenic, due to conversion of  $\text{Mg}(\text{OH})_2$  to  $\text{MgCO}_3$  by the carbonate in the water. The reason this limitation is not taught is because none of the references discuss or even recognize the problem associated with unwanted or premature release of arsenic adsorbed on  $\text{Mg}(\text{OH})_2$ , due to conversion of  $\text{Mg}(\text{OH})_2$  to  $\text{MgCO}_3$  from the presence of carbonate in the water.

Since not all of the elements of claim 32 are present in the references cited by the office, a prima facie case of anticipation cannot be made. Accordingly, the rejection under 102(b) is improper and should be withdrawn. Claim 32 is now in condition for allowance.

Claims 33-37 and 54

Claims 33-37 and 54 were amended in this Response to be allowable by either rewriting in independent form, or by amending to depend from an allowable claim (39). However, if the Office decides that Claim 32 is ultimately allowable, then Applicants will likely amend claims 33-37 and 54 to depend from claim 32, as they were originally presented.

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### Conclusion

Applicants request examination of the amended application, and request expeditious processing to issuance. Allowance of this amended application is solicited.

Respectfully submitted,



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